

TWELFTH DAY
(Monday, July 31, 1978)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Aikin, Andujar, Blake, Braecklein, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Mengden, Moore, Parker, Patman, Price, Santiesteban, Schwartz, Snelson, Traeger, Williams.

Absent-excused: Brooks, Meier, Ogg, Truan.

A quorum was announced present.

The Reverend D. Jack Hooper, Tarrytown United Methodist Church, Austin, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, July 27, 1978, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Truan was granted leave of absence for today on account of important business on motion of Senator Doggett.

Senator Meier was granted leave of absence for today on account of inclement weather on motion of Senator Blake.

Senator Ogg was granted leave of absence for today on account of inclement weather on motion of Senator McKnight.

Senator Brooks was granted leave of absence for today on account of important business on motion of Senator Jones of Harris.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolutions:

H.C.R. 16
H.C.R. 4
H.C.R. 3

SENATE BILL AND RESOLUTION ON FIRST READING

The following bill and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 20 by Price Education
Relating to student center fees at West Texas State University; adding Section 102.34 to Chapter 102, Texas Education Code, as amended.

S.J.R. 16 by Ogg

Finance

Proposing an amendment to Article VII, Section 17 of the Constitution of Texas repealing and prohibiting all State ad valorem taxes on property; proposing an amendment to Article VIII, Section 1-e of the Constitution of Texas creating the State Higher Education Assistance Fund; and proposing an amendment to Article VIII, Section 18 of the Constitution of Texas.

SENATE RESOLUTION 92

Senator Moore offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor new additions to the Senate family; and

WHEREAS, Our distinguished colleague from Paris has presented us with a new member in good standing; and

WHEREAS, The Honorable A. M. Aikin, Jr., and his lovely wife, "Miss Welma" are the proud grandparents of Christopher Wyatt Aikin born on June 2, 1978; and

WHEREAS, This young man is the fine son of Mr. and Mrs. Bobby Aikin; now, therefore, be it

RESOLVED, That the Senate of the 65th Texas Legislature, Second Called Session, extend its heartiest and most sincere congratulations to this fine family on the birth of this young man and that it further be the will of the Senate that Christopher Wyatt Aikin be named an official "Mascot" of the 65th Senate, Second Called Session, and that his photograph be placed on the official Senate Panel Picture.

The resolution was read and was adopted.

GUESTS PRESENTED

Senator Andujar presented to the Members of the Senate her daughter, Mrs. Betty Shear, and granddaughters, Tracy and Kristi.

Senator Blake presented to the Members of the Senate Mrs. Willie E. Tindall, Dr. N. T. Bennett and Mrs. Jamie Doherty.

SENATE CONCURRENT RESOLUTION 2 ON SECOND READING

The President laid before the Senate on its second reading:

S.C.R. 2, Authorizing the placement of a portrait of Governor Dolph Briscoe in the rotunda of the Texas Capitol along with those of previous governors.

The resolution was read second time and was adopted.

COMMITTEE SUBSTITUTE SENATE BILL 9 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. 9, Relating to property taxation.

The bill was read second time.

(Senator Schwartz in the Chair)

Senator Clower offered the following amendment to the bill:

Amend C.S.S.B. No. 9 as follows:

(1) Strike Section 6.03 on pages 9-10 and substitute the following:

"Sec. 6.03. BOARD OF DIRECTORS. (a) The appraisal district is governed by a board of five directors. To be eligible to serve on the board of directors, an individual must be a resident of the district.

"(b) Members of the board of directors serve two-year terms beginning on February 1, of even-numbered years.

"(c) Members of the board of directors are elected at an election to be held in the district the third Saturday in January of each even-numbered year. The five candidates receiving the most votes in the election are elected.

"(d) The election officers shall have the name of a candidate for director printed on the ballot if an application signed by the candidate or by 50 qualified voters of the district is filed with the secretary of the board or an agent designated by the board or, in the case of the first election, with the county clerk, before the 30th day preceding the date of the election.

"(e) If a vacancy occurs on the board of directors, the board of directors shall fill it by appointment.

"(f) The governing bodies of three-fourths of the incorporated cities and towns and school districts that participate in the district may change the number of members of the board of directors."

(2) On page 11, lines 15 and 16, strike "taxing units entitled to vote on appointment of members of the district's board of directors" and substitute "incorporated cities and towns and school districts that participate in the district".

(3) In Section 6.25 on page 13, strike Subdivision (1) of Subsection (b) on lines 11-13, and substitute the following:

"(1) the commissioners court is entitled to participate in changing the number of directors for the district or in changing the method of allocating the district's operating costs in the same manner as an incorporated city or town and a school district;"

The amendment was read.

Senator Jones of Taylor moved to table the amendment.

The motion to table was lost by the following vote: Yeas 11, Nays 16.

Yeas: Braecklein, Doggett, Farabee, Jones of Harris, Jones of Taylor, Mauzy, Parker, Santiesteban, Schwartz, Traeger, Williams.

Nays: Aikin, Andujar, Blake, Clower, Creighton, Hance, Harris, Kothmann, Lombardino, Longoria, McKnight, Mengden, Moore, Patman, Price, Snelson.

Absent-excused: Brooks, Meier, Ogg, Truan.

The amendment was adopted by the following vote: Yeas 17, Nays 10.

Yeas: Aikin, Andujar, Blake, Braecklein, Clower, Creighton, Hance, Harris, Kothmann, Lombardino, Longoria, McKnight, Mengden, Moore, Patman, Price, Snelson.

Nays: Doggett, Farabee, Jones of Harris, Jones of Taylor, Mauzy, Parker, Santiesteban, Schwartz, Traeger, Williams.

Absent-excused: Brooks, Meier, Ogg, Truan.

Senator Traeger offered the following amendment to the bill:

Amend the substitute for Senate Bill 9 by adding the following new subparagraph (i) to Section 11.23, reading as follows:

“(i) A non-profit corporation holding land for use in development of a Medical Center in which the non-profit corporation has donated land for a State Medical, Dental and Nursing School and other hospital, medical and educational uses shall continue to be exempt in conformance with the provisions of Section 28, Article 7150, Vernon’s Civil Statutes, which shall continue in full force and effect.”

The amendment was read and was adopted.

On motion of Senator Jones of Taylor and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

(President in the Chair)

The bill as amended failed to pass to engrossment by the following vote: Yeas 9, Nays 18.

Yeas: Braecklein, Clower, Doggett, Farabee, Jones of Harris, Jones of Taylor, Mauzy, Parker, Schwartz.

Nays: Aikin, Andujar, Blake, Creighton, Hance, Harris, Kothmann, Lombardino, Longoria, McKnight, Mengden, Moore, Patman, Price, Santiesteban, Snelson, Traeger, Williams.

Absent-excused: Brooks, Meier, Ogg, Truan.

MEMORIAL RESOLUTIONS

S.R. 87 - By Farabee: Memorial resolution for Oran Mowrey.

S.R. 89 - By Farabee: Memorial resolution for Calvin Whitaker.

S.R. 90 - By Farabee: Memorial resolution for Claude Hutcherson.

S.R. 91 - By Farabee: Memorial resolution for Glenn E. Odell.

S.R. 93 - By Farabee: Memorial resolution for Harold Van Loh.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 88 - By Farabee: Extending congratulations to The Flying Queens of Wayland Baptist College.

S.R. 94 - By Doggett: Extending welcome to Reverend D. Jack Hooper.

S.R. 96 - By Blake: Extending welcome to Mrs. Willie Earl Tindall, Dr. N. T. Bennett and Mrs. Jamie Doherty.

S.R. 97 - By Lombardino: Extending congratulations to Martin and Melinda Basaldua.

S.R. 98 - By Aikin: Extending welcome to Mrs. O. W. Woodard.

S.R. 99 - By Aikin: Extending congratulations to Mrs. Leita Davis.

S.R. 100 - By Clower: Extending welcome to Eleanor Mensik, Judy Isom, Hal Willis, Judson Morris, Randy Holt and Avery Ewers.

ADJOURNMENT

On motion of Senator Aikin the Senate at 11:39 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory

of

Edmund Key IV

Senator Aikin offered the following resolution:

(Senate Resolution 95)

WHEREAS, The citizens of Marshall and Austin were deeply saddened by the untimely death of Edmund Key IV, one of the State of Texas' fine young men; and

WHEREAS, Born in Marshall, Texas, to a prominent East Texas family, Ed was soon recognized for his intellect; he attended Lawrenceville, graduated from Tulane University, did graduate work in physics at The University of Texas, and had been accepted in The University of Texas School of Law; and

WHEREAS, Ed Key will long be remembered for his care and concern for his fellowman; his generosity with his time and his possessions to help others, his boyish laugh and charm, and his gentle ways are treasures to those who loved him; and

WHEREAS, This outstanding Texan contributed much to his community and this state, and he will be greatly missed by his family and friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 65th Legislature, 2nd Called Session, honor the memory of Edmund Key IV and extend sympathy to the members of his family: his wife, Mary Hobart Key; his sons, Thomas Fisher Key and Richard Garrett Key; his father, Edmund Key III; his brother, Knox Key; and his sister, Nancy Key; and, be it further

RESOLVED, That copies of this Resolution be prepared for the members of his family as a tribute by the Texas Senate and that when the Senate adjourns this day, it do so in his memory.

The resolution was read.

On motion of Senator Moore and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

On motion of Senator Aikin and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.